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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/187,472 11/06/98 ALLINGTON

R 17990-1-1

EXAMINER

IM52/0828

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ART UNIT

PAPER NUMBER

1761

DATE MAILED:

08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/187,472

Applicant(s)

ALLINGTON ET AL.

Examiner

Drew E Becker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 56-58, 62-69, 71-78, 80 and 81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 56-58, 62-69, 71-78, 80 and 81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Prosecution Application

1. The request filed on June 12, 2001 for an RCE based on parent Application No. 09/187,472 is acceptable and an RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-9, 11, 56-58, 62-69, 77-78, and 80-81 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 1 and 78 recite the limitation "a relatively major portion" and "a relatively minor portion". It is not clear what is considered "relatively major" and "relatively minor", for instance 70% and 30%?
4. Claims 9, 11, 62, 77, and 80-81 recite "room temperature". It is not clear what temperature or range would qualify since room temperature can vary depending upon a multitude of factors.
5. Claim 9, line 3 recites "removing substantially all pollutants from the air". It is not clear whether this is the same step recited in claim 1.
6. Claim 56, line 8 recites "cooling at least a portion of the used air and recirculating any remaining portion of the cooled air to the hot air supply; discharging the at least a

portion of used air in its entirety into the closed room". It is unclear what is meant by "its entirety" or what "it" is. It is not clear what the "remaining portion" is, or how it is created, since this appears to be the only portion being cooled. It is not clear whether the discharged air has been cooled or filtered.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 71-72, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi [Pat. No. 4,849,625] in view of WO 96/35335A1. Camerini Porzi teaches a method of roasting coffee beans comprising a photoemitter element (Figure 1, 1), a photodetector for monitoring the color of the beans during roasting (Figure 1, 2), a colorimeter which produces an output signal equivalent to desired color (Figure 1, 7; column 4, line 17), and a comparator which ends the roasting when the signals from the colorimeter and photodetector are equal (column 4, lines 22-26). Camerini Porzi does not teach filtering the heated air with a catalytic converter, reheating and recirculating a major portion, discharging a minor portion, and monitoring a second parameter such the air temperature. WO 96/35335A1 teaches a method of roasting coffee beans by filtering the heated air (Figure 1, 14), a catalytic converter

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(column 4, lines 15-22), reheating and recirculating a major portion while discharging a minor portion (column 6, lines 8-12), and monitoring a second parameter such the air temperature (column 4, lines 34-59). It would have been obvious to one of ordinary skill in the art to incorporate the roasting exhaust methods of WO 96/35335A1 into the invention of Camerini Porzi since both are directed to methods of roasting coffee, since the roasting method of Camerini Porzi would naturally require some means of exhaust, since Camerini Porzi further teaches monitoring the amount of heat applied during roasting (column 2, line 45), since the exhaust methods of WO 96/35335A1 reduce the levels of CO and other pollutants (column 2, line 15) and thereby improve air quality, since recycling a major portion of the air also improves air quality (column 4, lines 41-50), and since monitoring and adjusting the air temperature acts to better control the roasting conditions (column 4, lines 34-59). Although not specifically recited, it would have been obvious to one of ordinary skill in the art that the desired color or darkness level of Camerini Porzi would inherently possess a desired aroma since both are properties of fully roasted coffee beans.

9. Claims 9, 11, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi and WO 96/35335A1 as applied above, in view of Hansen [Pat. No. 5,690,018].

Camerini Porzi and WO 96/35335A1 teach the above mentioned concepts. WO 96/35335A1 also teaches discharging cooled air (column 2, line 48). Camerini Porzi and WO 96/35335A1 do not teach cooling the roasting air to room temperature and venting it to a room. Hansen teaches a method of roasting foods by cooling the roasting air

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(column 5, lines 35-38), cleaning the roasting air (column 4, lines 29-42), followed by exhausting the cool, clean air to a room (column 4, lines 43-57). It would have been obvious to one of ordinary skill in the art to incorporate the cooling of Hansen into the invention of Camerini Porzi since both are directed to methods of roasting foods, since the roasting method of Camerini Porzi would naturally require some means of exhaust, and since Hansen teaches that this prevents emission of heat, smoke, and odors to the surrounding air which is an inconvenience to the customers and work staff (column 1, lines 49-62). Although not specifically recited, it would have been obvious to one of ordinary skill in the art to vary the amount of coffee beans roasted by the method of Camerini Porzi since a large amount of roasted coffee beans would permit a greater amount of coffee to be brewed or sold and since this would have been done during the course of normal experimentation and optimization.

10. Claims 4-6 and 73-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi and WO 96/35335A1 as applied above, in view of Grubbs et al [Pat. No. 4,110,485].

Camerini Porzi and WO 96/35335A1 teach the above mentioned concepts as well as an air gap between the window and the photoemitters (Figure 1, #1 & 4). Camerini Porzi and WO 96/35335A1 do not teach the use of a laser beam with a wavelength of 600-800 nm. Grubbs et al teach a method of evaluating coffee bean color comprising the use of a helium-neon gas laser with a wavelength of 632.8nm (column 7, lines 41-46). It would have been obvious to one of ordinary skill in the art to incorporate the laser of Grubbs et al into the invention of Camerini Porzi since both are directed to the color

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evaluation of coffee beans by use of light beams and since Grubbs et al teach that the laser light source has only a single wavelength and therefor is simpler to calibrate (column 8, lines 30-36).

11. Claims 7-8 and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi and WO 96/35335A1 as applied above, in view of Gell Jr [Pat. No. 4,494,314].

Camerini Porzi and WO 96/35335A1 teach the above mentioned concepts. Camerini Porzi and WO 96/35335A1 do not teach a multiplicity of different product types. Gell Jr teaches a coffee roaster with settings for multiple types of beans and roasting levels (column 4, line 61 to column 5, line 19). It would have been obvious to one of ordinary skill in the art to incorporate the multiple setting and roasting levels of Gell Jr into the invention of Camerini Porzi since Gell Jr teaches that coffee beans come in different sizes and densities which can effect the roasting time (column 5, line 10) and since Camerini Porzi is primarily directed to controlling the roasting time of coffee beans by monitoring their color (column 1, lines 8-16).

12. Claims 62-64 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi in view of Brookman et al [Pat. No. 3,522,692] and WO 96/35335A1.

Camerini Porzi teaches the above mentioned concepts. Camerini Porzi does not teach removing pollutants from the roasting gas with a catalytic converter, cooling the filtered gas, and exhausting the cool, filtered gas. Brookman et al teach a method of roasting coffee beans comprising feeding roasting air from a roaster to a filtration system (Figure

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1, #1, 3, 5), cooling the filtered gas (column 3, lines 21 and 75), and exhausting the cool, filtered gas (Figure 1, 13). WO 96/35335A1 teach a method of roasting coffee beans by filtering the air with a catalytic converter (column 4, lines 15-22). It would have been obvious to one of ordinary skill in the art to incorporate the gas cleaning method of Brookman et al into the invention of Camerini Porzi since both are directed to coffee roasting, since the method Camerini Porzi would require an exhaust system of some type, and since the method of Brookman et al is effective at removing odors and other undesirable contaminants in the gas which can be harmful (column 1, lines 20-45). It would have been obvious to one of ordinary skill in the art to incorporate the catalytic converter of WO 96/35335A1 into the invention of Camerini Porzi in view of Brookman et al since all are directed to coffee roasting, since Camerini Porzi would require some means to vent exhaust gases, and since the catalytic converter of WO 96/35335A1 would reduce the levels of CO (column 2, line 15) and thereby improve air quality. It would have been obvious to one of ordinary skill in the art to place the coffee roaster of Camerini Porzi inside a building, such as a supermarket, since roasters were commonly placed in stores and buildings.

13. Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0040823 in view of Brookman et al and WO 96/35335A1.

EP 0040823 teach a method for controlling a coffee roaster comprising roasting a sample of coffee beans to provide a degree of doneness (Figure 1, P'), a color measuring devices which respond to the color of roasting coffee beans and sample (Figure 1, A & F), a comparison circuit (Figure 1, 14), and ending roasting when the two

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signals correspond (paragraphs 2-3). EP 0040823 do not teach filtering with a catalytic converter, cooling, and discharging the roasting gas. Brookman et al teach a method of roasting coffee beans comprising feeding roasting air from a roaster to a filtration system (Figure 1, #1, 3, 5), cooling the filtered gas (column 3, lines 21 and 75), and exhausting the cool, filtered gas (Figure 1, 13). WO 96/35335A1 teach a method of roasting coffee beans by filtering the air with a catalytic converter (column 4, lines 15-22). It would have been obvious to one of ordinary skill in the art to incorporate the gas cleaning method of Brookman et al into the invention of EP 0040823 since both are directed to coffee roasting, since the method of EP 0040823 would require an exhaust system of some type, and since the method of Brookman et al is effective at removing odors and other undesirable contaminants in the gas which can be harmful (column 1, lines 20-45). It would have been obvious to one of ordinary skill in the art to incorporate the catalytic converter of WO 96/35335A1 into the invention of EP 0040823 in view of Brookman et al since all are directed to coffee roasting, since EP 0040823 would require some means to vent exhaust gases, and since the catalytic converter of WO 96/35335A1 would reduce the levels of CO (column 2, line 15) and thereby improve air quality. It would have been obvious to one of ordinary skill in the art to place the coffee roaster of EP 0040823 inside a building, such as a supermarket, since roasters were commonly placed in stores and buildings. Although not specifically recited, it would have been obvious to one of ordinary skill in the art that the desired color or darkness level of EP 0040823 would inherently possess a desired aroma since both are properties of fully roasted coffee beans.

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14. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi in view of WO 96/35335A1, Hansen, Grubbs et al, and further in view of Scher et al [Pat. No. 5,062,066].

Camerini Porzi, WO 96/35335A1, Grubbs et al, and Hansen teach the above mentioned concepts. Camerini Porzi, WO 96/35335A1, Grubbs et al, and Hansen do not teach controlling multiple roasting machines at different locations. Scher et al teach a control system for roasting comprising multiple roasters (column 3, line 15) and monitoring the color of the product (column 5, line 16). It would have been obvious to one of ordinary skill in the art to control multiple roasters as taught by Scher et al with the invention of Camerini Porzi since both are directed to methods of roasting, since the multiple roasters of Scher et al would create more diversified products and reduce the waiting time, and since Camerini Porzi teaches a remote processing unit which is located a distance away from the roaster (column 3, line 63). It would have been obvious to one of ordinary skill in the art to combine the teachings of Camerini Porzi, WO 96/35335A1, Grubbs et al, Hansen, and Scher et al since they are all directed to methods of roasting food products.

15. Claims 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi in view of WO 96/35335A1, Grubbs et al, Scher et al, and Hansen as applied to claim 56 above, and further in view of Helbling [Pat. No. 5,158,793].

Camerini Porzi, WO 96/35335A1, Grubbs et al, Hansen, and Scher et al teach the above mentioned concepts. Camerini Porzi, WO 96/35335A1, Grubbs et al, Hansen, and Scher et al do not teach a step of keeping an inventory and generating a low

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inventory signal. Helbling teaches a method of making coffee including a weight sensor which detects when a station is empty and generates an "empty" signal (column 7, line 54). It would have been obvious to one of ordinary skill in the art to incorporate the weight control system of Helbling into the invention of Camerini Porzi since both are directed to methods of coffee production and since this would be an effective means of maintaining a constant rate of roasting in Camerini Porzi by eliminating any stoppages in the process due to an empty supply bin. It would have been obvious to one of ordinary skill in the art to combine the teachings of Camerini Porzi, WO 96/35335A1, Grubbs et al, Scher et al, Hansen, and Helbling since they are all directed to methods of roasting food products.

16. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi in view of WO 96/35335A1, Grubbs et al, Scher et al, and Hansen as applied to claim 56 above, and further in view of Gell Jr.

Camerini Porzi, WO 96/35335A1, Grubbs et al, Scher et al, Hansen, and Gell Jr teach the above mentioned concepts. Camerini Porzi, WO 96/35335A1, Grubbs et al, Scher et al, Hansen, and Gell Jr are combined for the above mentioned reasons and also since they are all directed to methods of roasting food products.

17. Claims 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi in view of Brookman et al and WO 96/35335A1 as applied to claim 62 above, and further in view of Grubbs et al.

Camerini Porzi, Brookman et al, WO 96/35335A1, and Grubbs et al teach the above mentioned concepts and are combined for the above mentioned reasons and also since they are all directed to methods of roasting coffee beans.

18. Claims 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi in view of Brookman et al and WO 96/35335A1 as applied to claim 62 above, and further in view of Gell Jr.

Camerini Porzi, Brookman et al, WO 96/35335A1, and Gell Jr teach the above mentioned concepts. Camerini Porzi, Hansen, WO 96/35335A1, and Gell Jr are combined for the above mentioned reasons and since they are all directed to methods of roasting.

Response to Arguments

19. Applicant's arguments with respect to claims 1-9, 11, 56-58, 62-69, 71-78, and 80-81 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 703-305-0300. The examiner can normally be reached on Monday-Thursday 7am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3602 for regular communications and 703-305-3599 for After Final communications.

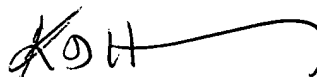
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

Drew Becker
August 23, 2001


KEITH HENDRICKS
PRIMARY EXAMINER